

Inventor: Golden
Attorney Docket No. 42173-018
S/N 10/750,048

REMARKS

I. Response to Notice of Non-Compliant Amendment

Please cancel the Preliminary Amendment that was submitted along with this application on December 31, 2003. Please enter for consideration the following Remarks pertaining to the claims of the application as filed on December 31, 2003, in response to the Office Action mailed March 11, 2003, as part of the prosecution of the parent application.

II. Claim Rejections under 35 U.S.C. § 103

For both sets of claim rejections discussed below, the parent application referred to is Application No. 09/436,058, and the rejections referred to were in the Office Action mailed March 11, 2003.

A. Claim 32, Corresponding to Claim 61 in the Present Application

In the parent application, the Examiner rejected independent claim 32 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,857,309 (“the Cicha patent”), in view of the U.S. Patent No. 4,680,163 (“the Blidschun patent”). This rejected claim corresponds to new claim 61. Applicant respectfully traverses the rejection of claim 32, and therefore claim 61 as well.

The present invention claims a temperature control system for heating the photosensitizer with waste heat from a light source. In the present invention, this light source is used for illuminating the sprayed contaminated surface. While the Cicha patent discloses the use of a light source, it does not teach heating the photosensitizer (hydrogen peroxide solution). The

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Blidschun patent teaches the use of heated air or gas to warm the walls through which the sterilizing agent passes to prevent condensation. (Col. 6, lines 28-41) However, the Blidschun patent does not disclose a light source for illuminating the sprayed contaminated surface, and therefore, does not teach heating the sterilizing agent with the waste heat from a light source. Applicant, therefore, respectfully submits that neither the Cicha patent nor the Blidschun patent suggest the use of waste heat from a light source to heat the photosensitizer. Accordingly, applicant requests that the Examiner withdraw the rejection of claim 61.

B. Claims 33-37 Corresponding to Claims 62-66 in the Present Application

In the parent application, the Examiner rejected independent claims 33-37 under 35 U.S.C. § 103 as being unpatentable over the Cicha patent in view of the Blidschun patent. These rejected claims correspond to new claims 62 through 66. Applicant respectfully traverses the rejection of independent claim 62 and dependent claims 63-66.

Relative to claim 33 of the parent application, claim 62 has been amended to recite that the barrier is “portable”.

Applicant respectfully submits that neither reference cited by the Examiner teaches or suggests the use or application of a “portable barrier” as recited in claim 62. The Cicha patent provides no suggestion or motivation for the use of a “portable barrier” as claimed, as it is directed to a sterilization stations which may be surrounded by sidewalls (Col. 3, lines 61-62) which are not described as portable. Moreover, the Blidschun patent does not disclose any type of barrier other than a cavity into which the containers to be sterilized are placed (Col. 6, lines 56-58), and therefore, provides no suggestion or motivation for the use of a “portable barrier” as

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claimed. Accordingly, applicant requests that the Examiner withdraw the rejection of claims 62-66, especially as claim 62 has been amended to more clearly define the subject matter of the invention.

III. Allowable Subject Matter in Parent Application

With regard to the claim allowances discussed below, the parent application referred to is Application No. 09/436,058, and the allowances referred to were in the Office Action mailed March 11, 2003.

During prosecution of the parent application, No. 09/436,058, the Examiner allowed claims 18-19 and claims 39-40, in an Office Action mailed March 11, 2003. Claims 18-19 and 39-40 correspond to claims 59-60 and 67-68, respectively, in the present application.

IV. Conclusion

Accordingly, Applicant respectfully submits that all of the independent and dependent claims are allowable over the prior art of record.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner disagrees, he is invited to telephone the undersigned at the number provided so that an interview may be scheduled.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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